

In re Application of Wenstrup
Application No. 09/586,202

REMARKS

The Pending Claims

Claims 5, 7, 8, and 13 currently are pending in the application. The pending claims have been set forth above in order to indicate the appropriate claim status identifiers for each claim.

Summary of the Office Action

The Office Action rejects claims 5, 7, 8, and 13 under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent No. 4,045,601 (Brodmann et al.) (hereinafter "the Brodmann '601 patent") in view of U.S. Patent No. 4,902,787 (Freeman) (hereinafter "the Freeman '787 patent").

Discussion of the Section 103 Rejection

As noted above, the pending claims have been rejected as allegedly unpatentable over the Brodmann '601 patent in view of the Freeman '787 patent. Applicant respectfully traverses this rejection for the following reasons.

Neither the Brodmann '601 patent nor the Freeman '787 patent teach or suggest a method in which a polymeric material is internally dyed by introducing a colorant into a melt of the polymeric material. Therefore, the subject matter recited in the pending claims cannot properly be considered *prima facie* obvious over their combination.

As previously noted by Applicant, the Brodmann '601 patent merely relates to the solvent finishing of fiber glass fabric using a liquid pre-finishing composition and a liquid finishing composition. In particular, the process comprises the step of impregnating a fiber glass fabric (e.g., a woven fiber glass fabric) with a liquid pre-finishing composition containing a glass-reactive organosilicon composition and an organic solvent and then impregnating the fiber glass fabric with a liquid finishing composition containing a soluble synthetic resin, dye, and chlorinated hydrocarbon solvent (see, for example, the Brodmann '601 patent at col. 1, line 51 – col. 2, line 17). Thus, the Brodmann '601 patent falls short in at least two respects. First, the Brodmann '601 patent does not teach or suggest a method of dyeing a *polymeric* material; rather, the reference is solely directed to the dyeing of glass fiber fabrics. Second, the Brodmann '601 patent does not teach or suggest a method in which a colorant is added to a melt, much less a melt of a polymeric material. Indeed, as

In re Application of Wenstrup
Application No. 09/586,202

noted above, the Brodmann '601 patent merely discloses a process for finishing and dyeing a formed fiber glass fabric. The Brodmann '601 patent does not even mention, much less teach or suggest, a process in which a material is dyed prior to being spun into a fiber.

The Freeman '787 patent falls similarly short of the mark. In particular, the Freeman '787 patent is directed to a method of producing a UV lightfast disperse dyestuff (see, for example, the Freeman '787 patent). The Freeman '787 patent does not even mention, much less teach or suggest, a method in which a polymeric material is internally dyed by introducing a colorant into a melt of the polymeric material. Moreover, the Freeman '787 patent cannot be considered to implicitly disclose such a process due to the nature of the dyestuffs described therein. The disperse dyestuffs disclosed in the Freeman '787 patent typically are applied to manufactured fibers in the form of a fine aqueous suspension, not as a colorant added to a melt of a polymeric material.

In view of the fact that neither of the cited references disclose or suggest a method in which a polymeric material is internally dyed by introducing a colorant into a melt of the polymeric material, their combination, without more, cannot properly be considered to teach or suggest the same. Moreover, the Office Action points to nothing within the references themselves or the knowledge generally available to those of ordinary skill in the art which would have motivated one of ordinary skill to modify the diverse processes disclosed in the Brodmann '601 patent and the Freeman '787 patent in such a way as to arrive at the method recited in the pending claims. Indeed, the Office Action points to nothing in an effort to demonstrate that the materials utilized in the Brodmann '601 patent and/or the Freeman '787 patent could be added as a colorant to a melt of a polymeric material in order to impart a color to the polymeric material.

With respect to claim 13, Applicant respectfully submits that the subject matter recited therein cannot properly be considered *prima facie* obvious over the cited references. Insofar as the cited references fail to teach or suggest a method in which a polymeric material is internally dyed by introducing a colorant into a melt of the polymeric material, the cited references must be similarly silent regarding a fabric comprising a polymeric material that has been internally dyed by introducing a colorant into a melt of the polymeric material and then externally dyed.

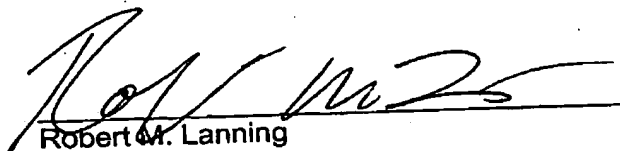
In re Application of Wenstrup
Application No. 09/586,202

In view of the foregoing, the invention defined by the pending claims cannot properly be considered *prima facie* obvious over the cited references. In particular, the combination proposed in the Office Action fails to teach or suggest all of the elements recited in the pending claims, and the Office Action fails to point to any teaching which would have motivated one of ordinary skill in the art to modify the processes disclosed in the cited references in such a way as to arrive at the subject matter defined by the pending claims. Therefore, the Section 103 rejection of the pending claims is improper, and should be withdrawn.

Conclusion

In view of the foregoing, the application is considered in proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone interview would expedite prosecution of the instant application, the Examiner is invited to call the undersigned.

Respectfully submitted,



Robert M. Lanning
Reg. No. 57,121
MILLIKEN & COMPANY, M-495
P.O. Box 1926
Spartanburg, SC 29304
Telephone: (864) 503-1537
Facsimile: (864) 503-1999

Date: August 26, 2005